IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 27TH APRIL 2007 / 7TH VAISAKHA 1929

Crl.MC.No. 1387 of 2007()

CMP.2143/2005 of JUDL. MAGISTRATE OF FIRST CLASS COURT, THALASSERY

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(CRIME NO.103/2005 OF DHARMADOM POLICE STATION)

PETITIONERS:ACCUSED NO.1 TO 5:

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1. **ERIKKANDI RAZACK, AGED 34 YEARS, S/O.ABOOBACKER,RESIDING AT KOOLI BAZAAR, VADAKKUMBAD.**

2. **ERIKKANDI ABOOBACKER,S/O.NOT KNOWN, AGED 61 YEARS,RESIDING AT KOOLI BAZAAR, VADAKKUMBAD.**

3. **KUNHAMI, W/O.ABOOBACKER,AGED 51 YEARS, RESIDING AT KOOLI BAZAAR, VADAKKUMBAD.**

4. **PAYEDATH AHAMMED,S/O.NOT KNOWN,AGED 51 YEARS,RESIDING AT KOOLI BAZAAR, VADAKKUMBAD.**

5. **SULEKHA, W/O.SIRAJ,AGED 26 YEARS, RESIDING AT KOOLI BAZAAR, VADAKKUMBAD. (DHARMADAM POLICE STATION.**

BY ADV. SRI.C.KHALID
SRI.T.P.SAJID
SMT.M.A.SULFIA

RESPONDENTS: COMPLAINANTS&STATE:

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1. **C.SAFEERA, W/O.RAZACK, AGED 23 YEARS, RESIDING AT P.R.PUTHENPURA HOUSE, KOTTAYATHANGADI (KATHIRUR POLICE STATION)**

2. **STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

BY

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.M.C.NO. 1387 OF 2007

DATED THIS THE 8TH DAY OF FEBRUARY 2007

ORDER

The petitioners are accused in Crime No.103/2005 of Dharmadam police station with respect to the offence under Section 420 and 498 A read with Section 34 of the Indian Penal Code.

Heard both sides.

In view of the decision reported in **B.S.Joshi v. State of Haryana, 2003(2)KLT 1062,** this petition is allowed. The proceedings pending before the Judicial First Class Magistrate Court, Thalassery in C.M.P.No.2143/2005 in C.C.No.76/2006 is quashed.

K.R.UDAYABHANU, JUDGE

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